ESTTA Tracking number: **ESTTA4134**Filing date: **12/24/2003** 

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92042635	
Party	Defendant MONEY ACCESS SERVICE CORP. MONEY ACCESS SERVICE CORP. TECHNOLOGY PARK 25209 COUNTRY CLUB BLVD. NORTH OLMSTED, OH 44070	
Correspondence Address	MONEY ACCESS SERVICE CORP. TECHNOLOGY PARK 25209 COUNTRY CLUB BLVD. NORTH OLMSTED, OH 44070	
Submission	Motion to be Substituted as Respondent and Power of Attorney	
Filer's Name	William H. Hollander	
Filer's e-mail	whollander@wyattfirm.com	
Signature	/william h hollander/	
Date	12/24/2003	
Attachments	LOU_LIT-20213609-v1-money access motion to be substituted as respondent and poa.pdf ( 2 pages ) moneyaccessmerger.pdf ( 9 pages ) starprocessing.PDF ( 2 pages )	

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GRANT BANK & TRUST OF	)
FLORIDA	)
PETITIONER	)
IBITIONER	)
v.	) CANCELLATION NO. 92042635
	)
MONEY ACCESS SERVICE CORP.	)
	)
REGISTRANT	)

# MOTION TO BE SUBSTITUTED AS RESPONDENT AND POWER OF ATTORNEY

Star Processing, Inc., a Delaware corporation, the current owner of Registration No. 1,496,148 ("Star Processing"), for its Motion to be Substituted as Respondent and Power of Attorney, states as follows:

- 1. Money Access Service Corp., listed as the owner of Reg. No. 1,496,148 in the records of the United States Patent and Trademark Office, merged into Money Access Service Inc., a Delaware corporation, on December 31, 1996, as documents attached hereto show.
- 2. Money Access Service Inc. changed its name to Star Processing, Inc. on December 31, 2002, as documents attached hereto show.
- 3. Star Processing, Inc. is the current owner of Reg. No. 1,496,148, at issue in this action, and requests that it be substituted as Respondent, pursuant to TBMP 310.01.

4. Star Processing, Inc. appoints the firm of Wyatt, Tarrant & Combs, LLP, 500 West Jefferson Street, Suite 2600, Louisville, Kentucky 40202 and William H. Hollander and Steven L. Snyder, members of said firm, as its attorneys with full power of substitution to transact all business in the United States Patent and Trademark Office in the above-identified cancellation proceeding.

Correspondence should be addressed to the above-identified firm to the attention of William H. Hollander.

Respectfully submitted,

/william h hollander/

William H. Hollander Steven L. Snyder WYATT, TARRANT & COMBS, LLP 500 West Jefferson Street, Suite 2800 Louisville, Kentucky 40202-2898 502.589.5235 (telephone) 502.589.0309 (facsimile)

Counsel for Registrant, Star Processing, Inc.

Date: December 24, 2003

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon J. Rodman Steele, Jr., Akerman Senterfitt, 222 Lakeview Avenue, Suite 400, P.O. Box 3188, West Palm Beach, Florida 33402-3188, counsel for Petitioner, by first class mail, postage prepaid, this 24<sup>TH</sup> day of December, 2003.

/william h. hollander/

20213609.1

ONIO SECRETARY OF STATE PROCESSING STATEMENT

@1:28/97

CORPORATION:

MUNEY ACCESS SERVICE INC.

CHARTER NUMBER: FL965338 ROLL AND FRAME: 5787-1885

05727-1005

96122451101 MUL 100.00 96122451101 MIS 10.00 PER NO FEE

080166

RETURN TO: C T CORPORATION SYSTEM

ATTH R LAWRENCE 17 S HIGH ST COLUMBUS OH 43815

2319

TOTAL : 110.00

### Bob Taft

Secretary of State

FL965332

# Certificate

It is hereby certified that the Secretary of State of Ohio has custody of the Records of Incorporation and Miscellaneous

Filings; that said records show the filing and recording of: MUL MIS PER

of:

MONEY ACCESS SERVICE INC.

United States of America State of Ohio Office of the Secretary of State Recorded on Roll 5727 at Frame 1007 of the Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State at

Columbus, Ohio, this 24TH day of DEC

A.D. 19 96 .

**Bob Taft** 

Secretary of State

12-24-96; 9:18; CT PHILA...Team 1-

614 621 1906;# 2/ 7

05727-1007 # 965332

Prescribed by Bob Taft, Secretary of State 30 East Broad Street, 14th Floor Columbus, Ohio 43266-0418 Form MER (July 1994)

CERTIFICATE OF MERGER

in accordance with the requirements of Ohjo law, the undersigned corporations, limited Hability of partnerships, desiring to offset a merger, set forth the following facts:

SURVIVING ENTITY

A.	The name of the entity surviving the merger is:	
	Money Access Service Inc.	
(1 de m)	riving easily is no Ohio kinessi parancekip or qualified foreign kinited parancekip, its registration number zone be provided)	

Name change: As a result of this merger, the name of the surviving entity has been changed to the following:

only if the name of sursising pasty is changing through the margery

- The surviving entity is a: (Please check the appropriate box and fill in the C. appropriate blanks)
- [ ] Domestic (Ohio) corporation
- () Foreign (Non-Ohio) corporation incorporated under the laws of the state/ country of \_ and licensed to transact business in the state of Ohio.
- bot Foreign (Non-Ohio) corporation incorporated under the laws of the state/country of , and NOT licensed to transact business in the state of Ohio.
- Domestic (Ohio) limited liability company []
- [] Foreign (Non-Ohio) limited liability company organized under the laws of the state/country of \_ in the state of Ohio. \_\_\_\_\_, and registered to do business
- Foreign (Non-Ohio) limited liability company organized under the laws of the state/country of \_ , and NOT registered to do business in the state of Ohio.
- Domestic (Ohlo) limited partnership, registration number \_

(OHIO - 1507 - 6/16/94)

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	1 1	Foreign (Non-Ohio) lin	nited partnership organ	ized under the laws of the	
		state/country ofbusiness in the state of	Ohio, under registration	and registered to do	_
	(1			ized under the laws of the I registered to do business in the	state of
ш.	Mergi	ting Entities			
	uity, of	her than the survivor, w	hich is a party to the n	oration or organization, respectively perger are as follows: of household and fed finish protection or include replacement	ace to coun
Name		State C	country of Organization	Type of Entity	
Money	Acces	as comp	Ohio	Business Corporation	617629
	· <del></del>				
	-				
H.	Merge	er Agreement on File			
obtain		ame and mailing address of the agreement of mer		y from whom/which eligible pers est:	ons may
	Name		Address		
Money	Acce	ss Service Inc.	25209 Country C	lub Blvd.	
-			(street and number) North Olmsted,	0010 44070	
			(city, village or town		
IV.	Effect	ive Date of Merger			
	This r	nerger is to be effective:	:		
				d, the date must be a date on or	
		the effective date of the date of filing will be the		lier than the date of filing: if no verger).	date is

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#### V. Merger Authorized

The laws of the state or country under which each constituent entity exists, permits this merger.

This merger was adopted, approved and authorized by each of the constituent entities in compliance with the laws of the state under which it is organized, and the persons signing this certificate on behalf of each of the constituent entities are duly authorized to do so

#### VI. Statutory Agent

The name and address of the surviving entity's statutory agent upon whom any process, notice or demand may be served is:

Name Address

(complete street politica)

(city, village or township) (city code)

(This item MUST be completed if the surviving entity is a foreign entity which is not licensed, registered or otherwise authorized to conduct or transact business in the State of Ohio)

#### Acceptance of Agent

The undersigned, named herein as the statutory agent for the above referenced surviving entity, hereby acknowledges and accepts the appointment of statutory agent for said entity.

#### Signature of Agent

(The acceptance of agent must be completed by domestic surviving entities if through this merger the statutory agent for the surviving entity has changed, or the named agent differs in any way from the name reflected on the Secretary of State's records.)

#### VII. Statement of Merger

Upon filing, or upon such later date as specified herein, the merging entity/entities listed herein shall merge into the listed surviving entity.

#### VIII. Amendments

The articles of incorporation, articles of organization or certificate of limited partnership (strike the inapplicable terms) of the surviving domestic entity herein, are amended as set forth in the attached "Exhibit A"

(Please note that any amendments to articles of incorporation, articles of organization or to a certificate of limited partnership MUST be attached if the surviving entity is a DOMESTIC corporation, ilmited liability company, or limited partnership.)

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#### IX. Qualification or Licensure of Foreign Surviving Entity

A. The listed surviving foreign corporation, limited liability company, or limited partnership desires to transact business in Ohio as a foreign corporation, foreign limited liability company, or foreign limited partnership, and hereby appoints the following as its statutory agent upon whom process, notice or demand against the entity may be served in the State of Ohio. The name and complete address of the statutory agent is:

C T Corporation System	815 Superior Avenue, N. E.
(Martio)	( street and number)
Cleveland	, Ohio44114
(city, village or township)	( zip sode)

The subject surviving foreign corporation, limited liability company or limited partnership irrevocably consents to service of process on the statutory agent listed above as long as the authority of the agent continues, and to service of process upon the Secretary of State if the agent cannot be found, if the corporation, limited liability company or limited partnership falls to designate another agent when required to do so, or if the corporation's, limited liability company's, or limited partnership's license or registration to do business in Ohio expires or is cancelled.

charter documents of the company is:\_

- B. The qualifying entity also states as follows: (complete only if applicable)
  - Foreign Qualifying Limited Linbility Company
    (If the qualifying entity is a foreign limited liability company, the following
    information must be completed)

The name of the limited liability company in its state of organization/registration is
The name under which the limited liability company desires to trabusiness in Ohio is
The limited liability company was organized or registered on under the laws of the state/country

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2.	(If the	Foreign Qualifying Limited Partnership (If the qualifying entity is a foreign limited partnership, the following information must be completed)			
	<b>a</b> .	The name of limited partnership is			
	ъ.	The limited partnership was formed on			
	c.	The address of the office of the limited partnership in its state/country of organization is			
	d.	The limited partnership's principal office address is			
	e.	The names and business or residence addresses of the GENERAL partners of the partnership are as follows:			
	-	Name Address			
		(If insufficient space to cover this item, please attach a separate sheet listing the general partners and their respective addresses)			
	f.	The address of the office where a list of the names and business or residence addresses of the limited partners and their respective capital contributions is to be maintained is:			
		The limited partnership hereby certifies that it shall maintain said records until the registration of the limited partnership in Ohio is cancelled or withdrawn.			

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The undersigned constituent entitles have caused this certificate of merger to be signed by its duly authorized officers, partners and representatives on the date(s) stated below.

Money Access Service Inc.	Money Access Service Corp.
exact name of entity	exact name of entity
By: E-7. Worlaw Is: TREPSUSER	By: E.7. Navlam/
lts: TREASURER	Is: TREASURER
Date:	Date:
exact name of entity	exact name of entity
Ву:	By:
lts:	lts:
Date:	Date:
exact name of entity	exact name of entity
By:	Bv:
By: Its:	By:
Date:	Date:
exact name of entity	exact name of entity
Ву:	Ву:
lis:	Its:
Date:	Date:
exact name of entity	exact name of entity
Ву:	Ну:
lis:	lts:
Date:	Date:
(Firms note that the charmen of the based, the president, vice president, see	relaty of the majorant secretary when high we belief of each counterpast congeneracy, and at

#### Ohio Secretary of State Merger/Consolidation

05727-1013

December 30, 1996 C T Corporation BEC 17 South High Columbus, chio 432190EC3 1 1986 **BOBTAFT** Milwick. With the con 16128491101 Document No. Dear Sir or Medant: THE CORRECTED "IN ORDER TO RETURN YOUR INITIAL FILING DATE OF THE CORRECTED DOCUMENTS MUST BE RECEIVED BY THIS OFFICE NO LATER THAN 5:00 pm 1/20/92 IF CORRECTED DOCUMENTS ARE NOT RECEIVED BY THE SPECIFIED DATE OR THE DOCUMENTS STILL REQUIRE CORRECTIONS, THE INITIAL FILING DATE WILL NOT BE PRESERVED. The enclosed documents are being returned unified for the following reason(s): Pursuant to Ohio Revised Code Section(s) 1701.81/1702.45, the cartificate of Merger must set forth in respect of seoil constituent corporation the menner in which the agreement of merger or con-solidation was adopted or approved by its directoralizations and its shareholders/members or, if such adoption or approved is not required, the facts relied upon in establishing the absence of such Pursuant to Otio Revised Code Section 1701.81, the certificate must be signed by the chairman of the beard, president or vice-president and by the secretary or assistant secretary of each constituent corporation. Pursuant to Ohio Revised Code Section 1701.80, an agreement of merger between a parent cor-peration and a substitiony must state the designation and the number of the outstanding shares of each close of each substitiony constituent corporation and the number of shares of each close owned by the surviving corporation. ient to Oblo Reviewd Code Section 1701.80, one or more domestic subsidiaries may be morg-to a domestic or foreign parent corporation only if the parent owns ninety percent or more th class of the guistanding shares of the subsidiary. mant to Ohio Revised Code Section 1701.79(5)(6), the surviving or new corporation must con-to be awail and served with precess in this state, and the irrevocable appointment of the retary of \$1600 as its agent to assept service of process in any proceeding in the state of Ohio. to Chie Revised Cade Boston 1701.78(\*). If the surviving or no to decread to bronzer business in the case of Chie, the agree that by Schools, success, confinence or other evidence require B of the Revised Cade with respect to each Chie corporates, an a corporation licensed to transport by private in Chie, the efficient nger shall be in (H) of Sec-act to Streign 1701.00 of the R it corporation floored to transact by alreads in Ohio, the efficients, receipts, certificates vidence required by division (C) or (D) of Section 1703.17 of the Pleviced Code. (Copies to terms enclosed.) The fee for filing a merger or consolidation is \$80.00. \_\_ 7. was conceiled on for failure to file its statement of continued estatement. Prior to filing the marget, the enclosed Application for Reinstatement must be submitted together with the \$10 filling lee. ruel Statement of Proportion of Capital Stock) must be completed for before the margariconsolidation may be filed. X\_11. have no record of a corplor mane listed

verific name and use correct

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COPY OF THE CERTIFICATE OF AMENDMENT OF "MONEY ACCESS SERVICE INC.", CHANGING ITS NAME FROM "MONEY ACCESS SERVICE INC." TO "STAR PROCESSING, INC.", FILED IN THIS OFFICE ON TEX TWENTY-THIRD DAY OF DECEMBER, A.D. 2002, AT 12:30 O CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE THIRT (-FIRST DAY OF DECEMBER, A.D. 2002.



Harriet Smith Windsor, Secretally of State

2299079 8100

020795340

AUTHENTICATION: 2168270

DATE: 12-24-02

#### DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation by the unanimous written consent of its members, filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Certificate of Incorporation of Money Access Service, Inc. be amended by changing the First Article thereof so that as amended, said Anticle shall be and reads as follows:

"Article First: The name of the corporation is Star Processing, Inc."

SECOND: That in lieu of a meeting and vote of the stockholder, the sole stockholder has given unanimous written consent to said amendment in accordance with the provisions of Section 228 of the Act.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the Act, on December 23, 2002.

FOURTH: That this Certificate of Amendment of the Certificate of Incorporation shall be effective at the close of business on December 31, 2002.

IN WITNESS WHEREOF, this corporation has caused this Certificate to be signed by a duly authorized officer, this 23<sup>rd</sup> day of December, 2002.

MONEY ACCESS SERVICE, INC.

By: Edward T. Barbary

Edward T. Haslam Treasurer

STATE OF DELAWARE
WE RETARY OF STATE
DIVISION OF CORPORATIONS
FILED 12:30 PM 12/23/2002
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